UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JUN 16 AM 10: 21
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: CP DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Daniel BRISENO-Moreno,** Defendant	Magistrate Docket No. '08 MJ 1847
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 13, 2008** within the Southern District of California, defendant, **Daniel BRISENO-Moreno,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **16th** **DAY OF JUNE, 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Daniel BRISENO-Moreno

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On June 12, 2008 at approximately 11:55 PM, Senior Patrol Agent C. Weatherred III was advised by a Scope Operator that thirteen individuals were walking westbound in Hauser Canyon, which is approximately 5 miles north of the United States/Mexico International Boundary and 2 miles east of the Tecate, California Port of Entry.

Upon arriving at the location, Agent Weatherred encountered thirteen individuals, one of whom was later identified as the defendant, **Daniel BRISENO-Moreno**, walking west. Agent Weatherred identified himself as a Border Patrol Agent and questioned them regarding their citizenship, nationality and immigration documentation. All individuals, including the defendant, admitted to having entered the United States without inspection, and that they were citizens and nationals of Mexico. Additionally, they stated that they were not in possession of immigration documents that would allow them to enter or remain in the United States legally. At approximately 12:05 AM on June 13, 2008, Agent Weatherred arrested the defendant and the other individuals and they were transported to the Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 30, 2008** through **Laredo, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was given his Miranda rights and he stated that he understood said rights and was willing to answer questions without the presence of his attorney. The defendant stated that he was a citizen of Mexico without the proper documents. The defendant stated that he entered illegally into the United States on June 11, 2008 at approximately 7:00 PM by crawling under the border fence and walked for several hours. The defendant also stated that he intended to travel to San Jose, California to see his family.

Executed on June 14, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 13, 2008**, in violation of Title **8**, United States Code, Section **1326**.

Peter C. Lewis
United States Magistrate Judge

6-14-08 @ 9:35 a.m.
Date/Time